



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**104<sup>TH</sup> AREA SUPPORT GROUP**  
**Unit 20193, Box 0001**  
**APO AE 09165**

AETV-HUG-DGC

3 January 2005

**MEMORANDUM FOR SEE DISTRIBUTION**

**SUBJECT: Compelling Emergency Contracting Procedures – Memorandum of Instruction**

**1. References:**

- a. Federal Acquisition Regulation (FAR) Part 6.302-2 for Unusual and Compelling Urgency Procurement.
- b. Defense Federal Acquisition Regulation Supplement Part 206.302-2.
- c. Army Regulation 725-50, Chapter 3, Requisition Processing.
- d. Army Regulation 420-18, Chapter 2, Requisition Processing.
- e. Army in Europe (AE) Regulation 710-2, Chapter 5-6, Emergency High-Priority (IPD-O1) and Other Off-line Requisitions, dated 16 Jan 04.
- f. Federal Acquisition Regulation Part 1.602-3 Ratification of Unauthorized Commitments.

2. The purpose of this memorandum is to provide guidance and establish procedures for obtaining contractual services and supplies in compelling emergency situations arising within the 104<sup>th</sup> Area Support Group (ASG) and its subordinate Base Support Battalions (BSBs).

3. Reference 1.a. cites the statutory authority to support the use of procedures in support of Unusual and Compelling Urgency and defines an Unusual and Compelling Urgency as follows:

“When the agency’s need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals, full and open competition need not be provided for.” This statutory authority further states: “That agencies shall request offers from as many potential sources as practicable under the circumstances.”

4. Reference 1.b. cites under application, the circumstances under which use of this authority may be appropriate include: Supplies, Services, or Construction needed at once because of fire, flood, explosion, or other disaster as well as construction needed at once to preserve a structure or its contents from damage.

5. An example of a compelling emergency is a situation such as stated above or any situation endangering human life that has arisen unexpectedly and, which by its very nature does not permit employing expeditious procedures for requisitioning through normal supply and acquisition channels. A compelling emergency is also one which does not permit obtaining, by the fastest means of communication available, any necessary advance approval to respond to a situation which, if not corrected immediately, would endanger life, government property, result in significant environmental damage and violate host nation environmental laws or adversely affect an important mission firmly essential to military operations.
6. References 1.c. and 1.d. outline procedures for requisitioning supplies, services and construction.
7. Reference 1.e. above outlines the policy and criteria applicable to compelling emergency local purchases of supplies. All compelling emergency requests for supplies must be approved and signed by the ASG or BSB Commander or the respective Deputy Commander.
8. In case of a compelling emergency request for local purchase of services and Sustainment, Restoration and Modernization (SRM) for minor construction services, the designated director or principal manager of the appropriate support mission must approve and sign the compelling emergency statement.
9. The fact that a compelling emergency exists will be verified by the above depending on the compelling emergency and the authorized or designated official will initiate the emergency contracting action. Contact will be made by telephone as follows:
  - a. The office-in-charge, or the responsible official, will advise the Director of the situation, describing the nature and extent of the emergency, and give the estimated cost, name of the recommended item and the name of the recommended firm. The requiring activity shall not, under any circumstances, contact any firm for estimated costs.
  - b. One of the following Directorate of Resource Management officials will be contacted to obtain a control number and a verbal statement that funds are available:

<u>Name</u>	<u>Function</u>	<u>Duty Phone</u>	<u>After Duty Hours</u>
Ms. Ursula Griffin	Director	322-1410	0661-302271
Ms. Julijana Halilagic	Acting Budget Officer	322-1414	0175-5960073
Ms. Gisela Schoenheim	221st BSB Budget Analyst	337-5300	0671-74579
Mr. Dieter Bohrer	222 <sup>nd</sup> BSB Budget Analyst	485-7518	06784-2677
Ms. Ursula Benoit	284 <sup>th</sup> BSB Budget Analyst	343-8994	06409-9637
Ms. Beverly Poole	414 <sup>th</sup> BSB Budget Analyst	322-9531	06055-937189



c. For items or services required, contact should be made with one of the following officials from the Hanau Contracting Cell or the Wiesbaden Contracting Center:

For personnel in the 104th ASG, 414th BSB and 284th BSB:

Primary: Leigh Ann Lucas, DSN: 323-2309 or after hours: 06047-986755  
Alternate: Suzanne Scott, DSN: 323-2488 or after hours: 06183-913188  
Alternate: Connie Avallone, DSN: 336-2187 or after hours: 06221-7154705  
Alternate Alina Livengood, DSN: 336-2205 or after hours: 0611-4501938

For personnel in the 221st BSB:

Primary: Sherry Van Tassel, DSN: 336-2236 or after hours: 0160-947-35077  
Alternate: Lisle Lennon, DSN: 336-2261 or after hours: 0172-684-4624  
Alternate Toni Sandoval, DSN: 336-2242 or after hours: 0174-291-5395

For personnel in the 222nd BSB:

Primary: Gaby Richardson, DSN: 336-2237 or after hours: 06101 959-31  
Alternate: Kathelene Crim, DSN: 336-2247 or after hours: 06128 968-533

d. The following information must be available before contacting any of the aforementioned officials:

- (1) Description of the emergency.
- (2) Location of the emergency.
- (3) Estimated cost to relieve the emergency.
- (4) A recommended firm.
- (5) A verbal statement that funds are available.

(6) A civilian or military telephone number so that the individual may be reached for a return call.

10. Not later than one working day after telephone notification of the compelling emergency, the responsible commander/director will submit electronically via AcquiLine (PRWeb) a Purchase Request and Commitment, DA Form 3953 to the contracting office. In case of supplies, the purchase request must contain a "Compelling Emergency Statement" signed by the ASG or BSB

Commander or the respective Deputy Commander. In case of services/SRM construction service, the purchase request must contain the "Compelling Emergency Statement" signed by the manager responsible for the specific support mission. The statement will, as a minimum, contain a description of the circumstances under which the emergency arose, a certification that the quantities required are not in excess of those necessary to relieve the emergency and the name of the Contracting Officer authorizing the contractor to proceed.

11. Responsible directors are advised to establish internal controls to assure that:

a. Only emergencies meeting the criteria in FAR 6.302-2 and DFARS 6.302-2 are considered for emergency contracting by implementation of these procedures.

b. Only work necessary for correction of the emergency situation is accomplished under the emergency contracting authorization.

c. Only the Contracting Officer concerned authorizes the contractor to proceed.

d. The purchase request is submitted in accordance with paragraph 8 above.

12. Any acquisition of either a routine or emergency nature that is not processed in accordance with existing procedures will not be certified by the Contracting Officer after the fact. An unauthorized commitment requires extensive factual justification and documentation by the command involved, and may not always result in authorizing payment. The individual making the commitment could be held liable for payment. Operating officials should be aware that unauthorized commitments may constitute violations of existing regulations and US Statutes. Reference 1.f. relates.

13. Point of contact for this MOI is the Directorate of Resource Management (Ms. Griffin) at DSN 322-1410/323-3408.

FOR THE COMMANDER:

  
ROBERT KANDLER  
Deputy to the Commander

DISTRIBUTION:

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